

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

103+206

CM-14481-82-CWP-2019 in/and  
Civil Writ Petition No.6875 of 2014

Date of Decision: January 14<sup>th</sup>, 2020

Vikas Bansal

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Ranjit Singh Kalra, Advocate  
for the applicant-petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

Mr. Rattan Deep Singh Chahal, Advocate  
for Mr. A.S. Sidhu, Advocate  
for respondent No.2.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

**CM-14481-CWP-2019**

Prayer in this application is for exemption from filing certified  
copies of Annexure P-10.

Application is allowed subject to just exceptions.

Exemption, as prayed for, is granted.

**CM-14482-CWP-2019**

Prayer in this application is for filing additional affidavit on  
record.

Application is allowed subject to just exceptions.

Additional affidavit filed by the petitioner is taken on record.

**CWP-6875-2014**

Petitioner has approached this Court challenging the result  
(Annexure P-8), whereby the merit of the petitioner has been lowered from  
rank No.775 to 1339 and the percentage has been reduced by 2 points from

63.46 to 61.46 on the pretext that the experience certificate of the petitioner was not duly attested. During the course of hearing, counsel for the petitioner has asserted that the experience certificate dated 10.09.2007 (Annexure P-4), which the petitioner had obtained for the period 03.08.2004 to 21.03.2005, has been duly countersigned by the Incharge Affiliation, Punjab School Education Board, SAS Nagar. He thus, contends that the petitioner was entitled to 1 mark as per the said experience certificate. His further contention is that the petitioner had passed the Master of Philosophy (M.Phil) but no marks have been assigned to the petitioner for the M.Phil, which he had done, which would entitle him to 2 marks. Assertion has thus been made that the petitioner has wrongly been reduced in the merit because of the action of the respondents, which is unsustainable. The last candidate, who was selected and appointed in pursuance to the advertisement, which has been issued for appointment to the post of Math Master/Mistress, had obtained 62.4483. In case the petitioner is granted the marks for the experience certificate as well as for the M.Phil, he would be entitled to appointment as he would make the merit.

2. On the other hand, counsel for the respondents has asserted that the experience certificate, which has been produced by the petitioner, has not been duly countersigned by the District Education Officer, which is the requirement as per the advertisement (Annexure P-1). He asserts that the experience certificate having not been duly countersigned could not have been taken into consideration as this was the mandate of the advertisement and, therefore, the 1 mark, which has been not granted/deducted of the petitioner, is in accordance with the advertisement. That apart, he asserts

counselling and, therefore, the petitioner could not be granted 2 marks, as have been claimed. The original sheet which had been prepared at the time of counselling has been produced in Court. In the said document, it has clearly been mentioned that the petitioner has not produced the M.Phil degree. Merely because of passing of M.Phil examination would not be enough unless the thesis is submitted and duly accepted by the competent authority. On completion of the M.Phil, he would have been entitled to the grant of 2 marks.

3. I have considered the submissions made by the counsel for the parties and keeping in view the fact that the minimum marks required for appointment to the post of Math Master/Mistress is 62.4483 and even if 1 mark is granted to the petitioner for the experience, which he had gained while teaching, he would not have made the grade and 2 marks for M.Phil also, which in the light of the original record, cannot be so granted as at the time of scrutiny, there was no proof produced by the petitioner of having the said degree, which would entitle him to the said marks. The stand of the counsel for the State that merely because he has passed the M.Phil examination would not entitle him nor would it be said to be the person having obtained the M.Phil degree as the same is conferred only after submission of the thesis and the approval thereof by the competent authority is correct.

4. In view of the above, keeping in view the fact that the petitioner is not entitled to the grant of 2 marks for the alleged claim of he having submitted the M.Phil degree, the petitioner is unable to make the grade of the selected candidates as he falls short of the cut-off marks of the last selected candidate.

5.           The writ petition, therefore, in the light of the above, cannot be accepted. The same stands dismissed.

January 14<sup>th</sup>, 2020  
*Puneet*

(AUGUSTINE GEORGE MASIH)  
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No